

REMARKS

This is in response to the Official Action mailed May 23, 2003, in which claims 1-3 were rejected. Applicant notes with appreciation that the Examiner has allowed claim 4. Reconsideration and withdrawal of the rejections are respectfully requested.

Applicant acknowledges with appreciation the telephone interview granted by the Examiner, Thai Q. Phan, on Tuesday, September 2, 2003, a summary of which follows.

In the Official Action, the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that it is unclear whether the "variance" as used in claim 1 refers to "performance difference between host and target system, [or] emulation of speed of [the] target system by using [the] host system in execution of a target program, or others". See Official Action, page 2, lines 14-17. Claim 1 has now been amended to further clarify that the "variance in execution speed" refers to the difference in execution speed between the target system executing instructions and the host system emulating execution of the instructions. This claim amendment is for clarification purposes only, it does not narrow the scope of the claims. Support for this amendment exists in the specification at page 8, line 4 - page 11, line 16.

After a description by the Applicant regarding the subject matter of the invention, the Examiner seemed to appreciate several of the differences between the invention of claim 1 and the cited prior art. In particular, the Examiner agreed that the prior art cited in the Official Action, U.S.

Patent No. 5,103,394 to *Blasciak*, does not disclose dynamically adjusting the execution speed in a host emulation system based on the difference between the execution speed of the host and target systems, as in Applicant's invention. It is believed that the Examiner understood from the interview that the term "variance" in its broad sense as used in the claims refers to the difference in the speed of execution of instructions between a target system executing the instructions and a host system emulating the execution of the instructions. As noted above, claim 1 has been amended to further clarify the meaning of "variance".

The Examiner also rejected claims 1-3 under 35 U.S.C. §103(a) as unpatentable over *Blasciak*. The Examiner asserts that *Blasciak* discloses "configuring or reconfiguring the host system in order to conform to the execution speed of the target system in execution of the target program", citing *Blasciak*, columns 12-18. See Official Action, page 3, lines 20-21. The Examiner has, in his argument, correctly pointed out that "*Blasciak* does not expressly disclose dynamically adjusting the execution speed of the host system to conform to [the speed of the] target system as claimed". He then asserts that a "[p]ractitioner . . . at the time of invention . . . would have found [*Blasciak's*] reconfiguring the host system . . . could obviously imply dynamically adjusting speed of host system . . ." See Official Action, page 3, line 21 - page 4, line 4, (emphasis added). Applicant respectfully traverses this rejection.

In order to show that a claim is *prima facie* obvious over prior art, the Examiner must show that all claim limitations are taught or suggested by the prior art. See MPEP §2143.03.

Blasciak does not in any way imply or suggest dynamic adjustment of the execution speed of the host system to conform

to the speed of the target system, as in the present invention. In fact, the only continuous or dynamic operation taught by *Blasciak* is continuous monitoring of a host system, not dynamic adjustment of the host system's speed. The references to *Blasciak* cited by the Examiner in support of his argument that *Blasciak* could obviously imply dynamically adjusting the speed of the host system, namely, *Blasciak*, column 10, lines 25-40, column 11, lines 52 - column 12, line 54, and columns 13 and 14, refer only to the installation of software, the configuration of monitoring software, and setting the real-time monitoring time cycle, respectively. Thus, *Blasciak* utterly fails to provide any teaching or suggestions for dynamically adjusting the execution speed of a host system emulation to conform to a target system.

For example, at column 10, lines 25-40, *Blasciak* describes the user installation of its performance analyzer. At column 11, line 52 - column 12, line 54, *Blasciak* describes "certain housekeeping and control activities" performed with respect to the "measurement". These examples are significantly different from dynamically adjusting the host processor speed. Also, at columns 13 and 14, *Blasciak* describes in some detail its process of continuously monitoring activity of the host system, with no mention of speed or dynamic adjustment thereof. Additionally, none of the prior art cited by the Examiner teaches or suggests dynamic adjustment of host speed.

Furthermore, during the above-mentioned interview, as well as in the Official Action, the Examiner expressed his opinion that *Blasciak* does not teach dynamic adjustment of host execution speed.

It is therefore clear that *Blasciak* does not teach or even suggest dynamic adjustment of host execution speed, such as provided by the present invention. Thus, the rejection of these claims is improper and should be withdrawn.

Applicant has further added new claims 5-7, in order to further clarify the meaning of variance in relation to a preferred embodiment of the invention.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 22, 2003

Respectfully submitted,

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